

DRAFT Minutes of the
Delta Protection Commission
Thursday, May 26, 2005

1. Call to Order/Roll Call

Chairman McGowan called the meeting to order at 3:00 p.m.

Present: Chairman McGowan, Vice Chairman Ferguson, Commissioners Beckman, Cabaldon, Calone, Curtis, Johnson, Kelly, Perez, Reagan, Sanders, Scriven, Shaffer, Simonsen, van Loben Sels, and Wilson.

Absent: Commissioners Notolli, Ornellas, and Piepho

2. Announcement of Closed Session

Chairman McGowan announced that the Commission would convene in closed session.

3. Report of Closed Session

Dan Siegel reported that the Commission met in closed session pursuant to Government Code Section 11126(a)(1) to interview candidates for the position of Executive Director to the Commission. He said the Commission voted to make an offer to a candidate and if the offer is accepted, the name of the candidate will be made public at the July 28, 2005 DPC meeting.

4. Public Comment

There were no public comments.

5. Minutes of the Last Meeting

Commissioner Reagan asked that a typo in his name be fixed. Commissioner Cabaldon moved approval of the minutes; Commissioner Wilson seconded. The minutes were approved by voice vote with corrections. Commissioner Shaffer abstained.

6. Chairman's Report

Chairman McGowan announced that Commissioner Sturm retired from State Service and staff prepared a Resolution of Appreciation. Commissioner Sturm was replaced by Anthony Perez, representing the Department of Parks and Recreation. It was moved by Commissioner Wilson to approve a Resolution of Appreciation for Kirk Sturm. The motion was seconded by Commissioner Reagan and approved unanimously by voice vote.

Chairman McGowan announced that the Pear Fair will take place on Sunday, July 31, 2005 in Courtland.

The next meeting of the Delta Protection Commission is scheduled for Thursday, July 28, 2005, 6:30 p.m., Jean Harvie Community Center.

7. Public Comment Commissioner Comments/Announcements

There were no announcements.

8. Attorney General's Report

Dan Siegel thanked Margit Aramburu for her years of work as the Executive Director of the Commission.

9. Executive Director's Report

Ms. Aramburu announced that seats were still available for the Delta Levees Workshop the Commission is co-sponsoring with the Bay Delta Authority, Department of Water Resources, State Reclamation Board and the Water Education Foundation. The workshop will take place on June 6, 2005, at the University of the Pacific in Stockton and will highlight the history of Delta levees, and where to go in the future. Featured speakers include DWR Director, Lester Snow and noted historian Dr. J. S. Holliday.

The Science Program grant application submitted by DPC and Ducks Unlimited was not recommended for funding. This grant would have been a source of funding to scientifically identify and evaluate impacts from development in the Secondary Zone on resources of the Primary Zone.

Secretary Mike Chrisman adopted a Resources Agency Policy regarding projects involving agricultural lands. Departments are directed to consider ways to reduce effects on productive agricultural lands and should refer to the mitigation strategies in the CALFED ROD; in addition, departments are to describe the social and economic consequences of conversion of agricultural lands in their CEQA documents.

The Water Education Foundation has released an issue of Western Water with an article entitled "CALFED at the Crossroads". DWR has released the updated State Water Plan; public hearings and review of the document will take place at different locations throughout the month of June.

10. CALFED Update

Ron Ott, CALFED staff, updated the Commission:

Joe Grindstaff, Deputy Director for DWR has been named interim director of the CALFED program replacing Patrick Wright. Mr. Wright will become the Assistant Secretary for Program Development at the Resources Agency. The Governor appointed former Secretary of State Bill Jones to the CBDA Board. Secretary of the Interior Gale Norton appointed Patricia Acosta, Ronald Jacobsma, Steve Johnson, Lillian Kawasaki, Steve Macaulay, Don Marciochi, Rudolph Rosen and Walter Wadlow to the BDPAC board.

CBDA and BDPAC Joint Meeting: This joint meeting will take place on June 8, 2005.

SDIP Workshop: DWR held its second workshop on South Delta Improvements. The workshop took place on April 28, 2005 and focused on key elements of the program including a proposed increase in permitted State Water Project Delta pumping rates, construction of permanent barriers, actions to improve water quality, and fish protection.

ERP Monitoring Grants: The CALFED Ecosystem Restoration Program has released its initial recommendations for grant funding for projects that will monitor and evaluate ecosystem restoration actions previously funded through ERP or the Central Valley Projects Improvement Act.

Integrated Regional Planning Grants: DWR and the State Water Board have released the final proposal solicitation packages for planning and Step 1 implementation grants as part of the Proposition 50, Chapter 8 Integrated Regional Water Management Program.

Commissioner Reagan asked the status of the storage component. Mr. Ott responded that he could not give a definite answer. Commissioner Kelly added that there is an issue with Shasta Reservoir. Commissioner Reagan asked for a regular update on storage.

Commissioner Shaffer said the Working Landscapes Subcommittee has culminated a 2-year effort with a report on Payment in Lieu of Taxes. The report is on the CALFED website.

11. Briefing on Delta Drinking Water Quality Study

Richard Denton, Water Resources Manager for the Contra Costa Water District (CCWD) said that in May 2004, the CALFED Drinking Water Subcommittee released an RFP for agencies to prepare drinking water quality management plans for five regions throughout the State. He said that CCWD partnered with the Solano County Water Agency and the City of Stockton to prepare a plan. The proposal covers the Delta area and highlights the range of water quality issues the areas have. Mr. Denton said that there were commonalities between three agencies and each is looking at new intakes, some form of treatment of the water and source water implementation. He said that objectives of the plan include analyzing source water quality and water quality needs of in-Delta urban agencies, developing project solutions using the CALFED Equivalent Level of Public Health Protection approach and identifying the role of local, regional, and State agencies in implementing projects and programs.

Once it has identified various programs needed to meeting the drinking water quality needs, CCWD will identify ways to fund/implement the programs. He said the agency is concentrating on bromide and organic carbons. The report will discuss the factors that could improve water quality.

Mr. Denton said that Phase I of the management plan has been completed; Phase II will include other Delta drinking water suppliers.

Commissioner Calone asked why CCWD only pumped during periods with high salt levels and not at the present time. Mr. Denton responded that the restrictions on pumping come from fisheries agencies—particularly during the months of April and May. Commissioner Kelly added that during the springtime, the pumps are reduced to allow San Joaquin salmon smolt to migrate past the river and into the Delta. She further stated that the months of July through September are the period when impacts to fish are the least. Commissioner Calone said that the high tides that come at the end of June, and said that pumping during high tide to take the pressure off the Delta. He suggested that CCWD consider the impacts of tides when there are exceptional flows, otherwise there could be another Jones Tract. Mr. Denton responded that DWR is presently preparing a seismic risk analysis to provide guidance for levee upgrades.

Commissioner Johnson said he was astounded by the degradation of salinity and asked why there has been a steady decline. Mr. Denton responded that previously, when there was less demand on the SWP/CVP there was better water quality because dams had been built and demand was not high; however, now the State and Federal projects are pumping when there are very low flows coming into the Delta.

Vice Chairman Ferguson asked if CCWD was looking at pumping flows of 8500 cubic feet or higher. Mr. Denton responded that since most of data analysis used was historical data, they were looking at pumping at 6,680 cu ft. He said that CCWD is currently evaluating moving its intake to Victoria Canal.

No action was taken on this agenda item.

12. Briefing on Department of Parks and Recreation Acquisition of Locke Boarding House

Ms. Aramburu reported that the Department of Parks and Recreation (DPR) in partnership with the Sacramento County Housing and Redevelopment Agency (SHRA) has acquired the Locke Boarding House. The stand-alone building at the north end of Locke will be renovated and eventually used as a museum and visitor center. Additionally, DPR is in negotiations to prepare a general plan for Delta Meadows River Park (lands directly behind the Town of Locke).

Commissioner Perez reported that SHRA has been successful in securing \$950,000 for the project. The overall total for the project will be \$1.6 million, with the project being split into two phases.

Chairman McGowan asked the time frame for completion of the project. Commissioner Perez responded he would get the answer.

No action was taken on this agenda item.

13. Public Hearing: Delta Recreation Strategy, Phase I, Aquatic

Ms. Aramburu reported that Phase I of the recreation strategy was funded by a grant from the Department of Boating and Waterways. The Dangermond Group won the contract and prepared a draft report on water-based recreation activities and facilities that includes: current uses; predicted needs for facilities to support predicted increases in recreation activities; where future facilities may be needed; and, resources that are and will be available to help fund improvements. In addition, Commission staff also updated the Recreation Facilities Inventory, which was first produced in 1995. They are still seeking funding for Phase II that will look at the land-based recreation opportunities. Ms. Aramburu also thanked the Commission's Recreation Citizens Advisory Committee for reviewing the various drafts of the report.

Brian Collett made a Powerpoint presentation regarding the Delta's resources; trends in water-based recreation and challenges and opportunities. Mr. Collett said that the Delta is an important cog to the State; yet there has been less investment in the Delta than in other parts of the State.

Chairman McGowan asked the Commission for comments.

Commissioner Cabaldon stated that the draft should have focused more on the implementation strategy along with the projects and policies. He said he was not comfortable with the draft in the current form because the economic equity implementation is missing, particularly concerning marinas and smaller boats. Commissioner Cabaldon said that the problem is not that demand was changing, but supply is constrained and the Commission would have major environmental justice issues if it endorses the draft strategy in its current form because it should not bless the demolition of small slips in favor of larger ones. Furthermore, he stated that it was not made clear how Mr. Collett came up with the cost estimates for the transient docks. He said that the City of West Sacramento is also looking at the issue and its figures are much more than quoted in the strategy.

Commissioner Cabaldon also stated that the notion of creating a “Delta Fund” for infrastructure projects would be a challenge. He said the Commission should have a pre-made investment plan for priorities so that lower ranked priorities are not implemented by different agencies ahead of higher ranked priorities identified by the Commission.

Mr. Collett responded that in conducting research, it was found that marina operators tend to create dry storage as a supplement to wet storage because smaller boat owners seem to show a preference to dry boat storage because boats are kept in better condition. Ms. Aramburu said that staff would identify the problem more clearly.

Commissioner Cabaldon stated that in the Delta region, recreation is an industry, therefore people tended to ask marinas to access needs/demands and the economic incentives for marinas to move to the largest slips possible is so powerful that it causes him to be skeptical about self reported information about preference and demand. He said that with urban areas growing so rapidly there is no way to build the number of slips that are needed.

Vice Chairman Ferguson stated that water quality and water quantity are missing in the draft document. He suggested that these common denominators be mentioned in the introduction of the document particularly pertaining to the impacts of less water and/or dirtier water flowing through the Delta.

Commissioner Reagan stated that he was looking at the land-based facilities connection and how to finance this phase of the project. He also questioned the emphasis on the Conservancy idea instead of business-related groups. He suggested the business environment should be brought into the report.

Commissioner Johnson stated that one of the reasons the State cannot effectively treat egeria densa and other invasive species is due to permit conditions resulting from a lawsuit four years ago. He said that since that time, DBW has had to work with other State and federal agencies to effectively control the plants. He said regarding page 56 which references Stone Lock’s gate, the reason the gate was closed was because the City of West Sacramento simply ran out of money.

Commissioner Scriven asked Mr. Collett if he noticed during his research that there was not a lot of private investment in recreation/boating in the Delta because it is a seasonal sport with not a lot of return for the money coupled with the high turnover rate of marinas. Mr. Collett said that it was not the response he received from marina operators.

Chairman McGowan convened the public hearing. There were no public comments.

Chairman McGowan closed the public hearing.

Ms. Aramburu commented that the draft should be considered partial report needing additional work, since several issues have been identified by the Commission. She told the Commission that when they further review the document, they should keep in mind that most of the marinas in the Delta are private, they come in varying sizes, and recreational boating is a seasonal activity. She said that she and local governments have seen in the Delta region where developers have proposed to build marinas/new slips with access to the Delta waterways; yet once their projects are approved at the local level through the CEQA process, the developers’ plans for the new recreation facilities

changed. She said the challenge is to work with developers and local governments to get new facilities built. She recommended that the Commission keep the document open for review until there was further funding to complete additional work to put the pieces together. She thanked the Commission for its review and comments.

14. Public Hearing: Updated Background Report #8: Marine Patrol, Boater Education and Safety Programs

Lori Clamurro reported that she updated Background Report #8 as part of the updating of the Land Use Plan. Ms. Clamurro said that in completing her report she contacted the counties, the Coast Guard, cities, the Department of Parks and Recreation and the Department of Boating and Waterways. She commented that the Commission should pay particular attention to the findings, recommendations and policies, as changes in legislation and increased funding levels have brought about changes in the recommendations and findings. She further commented that the policies in the plan appear to still be relevant so there is no need to change them at this time.

Commissioner Kelly asked that item #7 in the Findings be modified to reflect “how often” the Coast Guard is capable of coordinating County patrols.

Commissioner Cabaldon stated that he wanted to encourage the Commission to keep in mind that while the edits in the report are helpful, much of the language is categorical and might not present a fair characterization. He also commented that while the report praised the Contra Costa County Abandoned Vessel/Sanitation Ordinance passed earlier this year, it should be known that the ordinance was based on a West Sacramento Ordinance passed in 2001, which was based on a Sacramento County ordinance passed in 2000. Chairman McGowan said that would be noted as a footnote.

Commissioner Johnson commented that Recommendation #9 (mandatory boater education) is a very controversial issue in California that splits the boating community. He said that at least 38 states have some type of license or mandatory boater education; however, in 1999 Governor Davis vetoed a bill that would have required motor board operators to pass a competency test. He added that the recommendation should be fleshed out in more depth. He also commented that the finding, “intoxication continues to be a major problem resulting in accidents” (item #14, page 44) happens because the Delta is in such a rural area, that officers must go to a land base at least an hour away to administer tests and alcohol has burned itself off by that time. He said that law enforcement has recognized this problem and thus is the reason they do not administer tests.

Chairman McGowan convened the public hearing. There were no public comments.

Chairman McGowan closed the public hearing.

15. Review of Revised Memorandum “Report of Changes and Growth Pressures within the Primary Zone of the Delta

Ms. Aramburu reported that Commission staff has been monitoring land use changes in the Delta for several years. The Legislature has tasked the Commission to provide an analysis of land use changes in the Primary Zone. She said the Commission reviewed a previous memo in January 2005 regarding this issue; however, the memo has been expanded to include a summary of projects the Commission has monitored in the last ten years, approved land use changes, and land acquisitions in the Primary Zone, in addition to development in the Secondary Zone. Ms. Aramburu further stated

that there have not been new proposals for major growth in rural areas of the Delta, but there has been some growth that is consistent with existing ag zoning or is within the existing Delta communities that are consistent with General Plans as of 1992. She said there has been quite a bit of new infrastructure that supports development outside the Delta, including sewer lines, gas lines, water intakes, etc. She said the issue of levees would be reevaluated when the Department of Water Resources reviews its Comprehensive Program Evaluation. She asked that the Commission approve the revised staff report so that it can be forwarded to the Legislature.

Commissioner Reagan commented that as a member of the Highway 12 Association, he is aware that San Joaquin County is looking at a major project study report of Highway 12. He said that page 2 of the report references no major road improvements anticipated. Ms. Aramburu said that she was not aware of this project because Caltrans rejected the Highway 12 improvement project, but she would speak to the Council of Governments to confirm the information.

Commissioner Cabaldon said the report was good in its current form, but suggested that staff add an executive summary to define the key messages and add a section regarding explanation of the Secondary Zone. Ms. Aramburu said she would do so.

Commissioner Simonsen commented that he obtaining updated information for page 29 because the figures in the report related to Antioch were skewed. He also said he would obtain updated figures for the Cities of Brentwood and Pittsburg.

Commissioner Shaffer asked why McCormack-Williamson Tract and Prospect Island were not listed. Ms. Aramburu said that they were not listed because McCormack-Williamson Tract been acquired by a non-profit but is still in agriculture, and Prospect Island was already committed for purchase before the Commission was created.

Chairman McGowan convened the public hearing.

Bill Geyer, Executive Director, Resources Landowners Coalition commented that Commission staff did a great job on compiling the information. He said he was impressed by the Commission's comments and suggested that the Commission place the review of the document on the agenda for the Land Use Impacts Committee meeting on June 23rd. He said he and other RLC members would be interested in reviewing the documents to identify significant trends.

Chairman McGowan closed the public hearing.

It was moved by Commissioner Cabaldon and seconded by Commissioner Wilson to approve the draft memorandum "Report of Changes and Growth Pressures within the Primary Zone of the Delta" to be revised according to Commission comments, for distribution to the Legislature. The motion was approved unanimously by voice vote.

16. Update on Proposed Legislation Impacting the Delta Protection Commission

Ms. Aramburu reported that SB 200 (Delta Conservancy Program) has gone into suspense, which means it will take another year before the bill makes its way through the Legislature. She also reported that components of AB 797 are under scrutiny, and Assemblymember Wolk is working with the LAFCOs in developing language to have them look at proposed projects early that could have an impact on the Primary Zone and ensure that they incorporate review of the Commission's

Land Use Plan early in the development process. Ms. Aramburu also reported that there is discussion with Assemblymember Wolk regarding what role the Commission should play in reviewing amendments to County General Plans. She said that presently, when Counties make minor amendments to their general plans, the Commission does not require them to resubmit, as long as they remain consistent with the Commission's Land Use Plan.

The Commission did not take any action on this agenda item.

17. Consideration of Work Plan and Budget

Ms. Aramburu reported that the draft budget and workplan were reviewed at a Budget and Finance Committee Meeting on May 10, 2005. The proposed budget of \$329,000 was listed in the Governor's Budget Plan for 2005-2006. The Governor has allocated \$178,000 from the Harbors and Watercraft Revolving Fund and \$151,000 from the Environmental License Plate Fund. The proposed budget made it through the Senate and Assembly Budget hearings with no issues. Ms. Aramburu asked that the Commission approve the work plan and budget for FY 2005-2006 to commence July 1, 2005.

It was moved by Commissioner Cabaldon and seconded by Commissioner Wilson to approve the Commission's Work Plan and Budget for Fiscal Year 2005-2006. The motion was approved unanimously by voice vote.

Chairman McGowan reopened the floor to public comment.

Mr. Harry Moore, resident of Stockton congratulated Ms. Aramburu on her 12 years as the Executive Director of the Commission. Mr. Moore stated that the Delta is below sea level and that the water tables have dropped. He said the Delta has been sinking for many years and each year more water is leaving the Delta than is coming in. He said that at this rate, the lands would be eventually inundated with seawater, affecting 25 million people who will lose drinking water from the Delta. He said the Commission should work on the situation, starting with maintaining fresh water inflows, control of subsidence and silting.

18. Adjourn

The meeting was adjourned at 9:30 p.m.